

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:  
BAYOU STEEL BD HOLDINGS, L.L.C., *et al.*,<sup>1</sup>

Debtors.

GEORGE L. MILLER, in his capacity as Chapter 7 Trustee for the jointly administered bankruptcy estates of Bayou Steel BD Holdings, L.L.C., *et al.*,

Plaintiff,

v.

BLACK DIAMOND CAPITAL MANAGEMENT, L.L.C.;  
BDCM OPPORTUNITY FUND IV, L.P.; BLACK DIAMOND  
COMMERCIAL FINANCE, L.L.C.; SAM FARAHNAK; PHIL  
RAYGORODETSKY; ROB ARCHAMBAULT; TERRY TAFT;  
and BOB UNFRIED,

Defendants.

Chapter 7  
Case No. 19-12153 (KBO)  
(Jointly Administered)

Adv. No. 21- 51013 (KBO)

**JURY TRIAL DEMANDED**

**SUMMONS AND NOTICE OF PRETRIAL CONFERENCE IN AN ADVERSARY PROCEEDING**

YOU ARE SUMMONED and required to file a motion or answer to the complaint which is attached to this summons with the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall file a motion or answer to the complaint within 35 days.

Address of Clerk:	United States Bankruptcy Court 824 North Market Street, 3rd Floor Wilmington, DE 19801
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At the same time, you must also serve a copy of the motion or answer upon the Plaintiff's attorney. Name and address of Plaintiff's attorneys:

**KAUFMAN, COREN & RESS, P.C.**

Steven M. Coren  
Benjamin M. Mather  
Janice I. Daul  
Two Commerce Square  
2001 Market Street, Suite 3900  
Philadelphia, PA 19103  
Tel: (215) 735-8700

**PACHULSKI STANG ZIEHL & JONES LLP**

Bradford J. Sandler  
Colin R. Robinson  
Peter J. Keane  
919 North Market Street, 17th Floor  
Wilmington, DE 19801  
Telephone: (302) 652-4100

If you make a motion, your time to answer is governed by Fed. R. Bankr. P. 7012.

YOU ARE NOTIFIED that a pretrial conference of the proceeding commenced by the filing of the complaint will be held at the following time and place.

Address: United States Bankruptcy Court 824 N. Market Street, 6th Floor Wilmington, DE 19801	Courtroom No. 3  Date and Time: TO BE DETERMINED
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**IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR  
CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY  
DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.**

**United States Bankruptcy  
Court for the District of Delaware**

Date: August 11, 2021

/s/ Una O'Boyle

Clerk of the Bankruptcy Court

<sup>1</sup> The Debtors in these chapter 7 cases, along with the last four digits of each Debtor's federal tax identification number, are: Bayou Steel BD Holdings, L.L.C. (1984), BD Bayou Steel Investment, LLC (1222), and BD LaPlace, LLC (5783).

**CERTIFICATE OF SERVICE**

I, Bradford J. Sandler, certify that I am, and at all times during the service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made. I further certify that the service of this summons and a copy of the complaint were made August 11, 2021 by:

☒ Mail Service: Regular, first class United States mail, postage fully pre-paid, addressed to:

**SEE ATTACHED SERVICE LIST**

☐ Personal Service: By leaving the process with defendant or with an officer or agent of defendant at:

☐ Residence Service: By leaving the process with the following adult at:

☐ Certified Mail Service on an Insured Depository Institution: By sending the process by certified mail addressed to the following officer of the defendant at:

☐ Publication: The defendant was served as follows: [Describe briefly]

☐ State Law: The defendant was served pursuant to the laws of the State of \_\_\_\_\_, as follows: [Describe briefly] (name of state)

Under penalty of perjury, I declare that the foregoing is true and correct.

Dated: August 11, 2021

/s/ Bradford J. Sandler

Bradford J. Sandler (DE Bar No. 4142)

PACHULSKI STANG ZIEHL & JONES LLP

919 North Market Street, 17th Floor

P O Box 8705

Wilmington, DE 19899-8705 (Courier 19801)

Adv. Service List

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Wilmington, DE 19801

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BDCM Opportunity Fund IV, L.P.  
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Corporation Trust Center  
1209 Orange St  
Wilmington, DE 19801

**FIRST CLASS MAIL**

Black Diamond Commercial Finance, L.L.C.  
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**NOTICE OF DISPUTE RESOLUTION ALTERNATIVES**

As party to litigation you have a right to adjudication of your matter by a judge of this Court. Settlement of your case, however, can often produce a resolution more quickly than appearing before a judge. Additionally, settlement can also reduce the expense, inconvenience, and uncertainty of litigation.

There are dispute resolution structures, other than litigation, that can lead to resolving your case. Alternative Dispute Resolution (ADR) is offered through a program established by this Court. The use of these services are often productive and effective in settling disputes. **The purpose of this Notice is to furnish general information about ADR.**

The ADR structures used most often are mediation, early-neutral evaluation, mediation/arbitration and arbitration. In each, the process is presided over by an impartial third party, called the “neutral”.

In mediation and early neutral evaluation, an experienced neutral has no power to impose a settlement on you. It fosters an environment where offers can be discussed and exchanged. In the process, together, you and your attorney will be involved in weighing settlement proposals and crafting a settlement. The Court in its Local Rules requires all ADR processes, except threat of a potential criminal action, to be confidential. You will not be prejudiced in the event a settlement is not achieved because the presiding judge will not be advised of the content of any of your settlement discussions.

Mediation/arbitration is a process where you submit to mediation and, if it is unsuccessful, agree that the mediator will act as an arbitrator. At that point, the process is the same as arbitration. You, through your counsel, will present evidence to a neutral, who issues a decision. If the matter in controversy arises in the main bankruptcy case or arises from a subsidiary issue in an adversary proceeding, the arbitration, though voluntary, may be binding. If a party requests *de novo* review of an arbitration award, the judge will rehear the case.

**Your attorney can provide you with additional information about ADR and advise you as to whether and when ADR might be helpful in your case.**

Dated: August 11, 2021

/s/ Una O'Boyle  
Clerk of the Court

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